

Appl. No. 10/762,820
Amdt. date January 26, 2006
Reply to Office Action of November 22, 2005

REMARKS/ARGUMENTS

Paragraph 20 of the specification has been amended to correct an obvious error. In paragraph 20 as originally filed, reference is made to an increased polling rate where the polling interval is changed from once every 15 minutes to once every one or two minutes. However, the description incorrectly states that "the polling engine 108 may increase the polling interval" when clearly it is intended to state that the polling engine may decrease the polling interval. It is submitted therefore that what was intended to be stated can be clearly and unequivocally derived from the description and that the correction of the term "increases" to "decreases" does not alter the content of the application as filed.

Claims 1 and 4-10 are pending and under consideration.

Claim 1 stands rejected under 35 USC 102 (e) as being anticipated by Wong et al. US 6,654,746.

Claim 1 has been amended to specify the pre-emptive criteria as comprising "at least one of number of messages in said mailbox and size of said mailbox" for "updating e-mails between at least one mail server and a mobile communication device".

Wong et al. relates to sending updated versions of document files to which a user subscribes, where the updating is performed based on time stamps on the subscription file stored on a network. Wong et al. does not disclose "updating e-mails between at least one mail server and a mobile communication device or mobile mailbox of such device", nor does it disclose "wherein said pre-emptive criteria comprise at least one of number of messages in said mailbox and size of said mailbox".

Accordingly, retraction of Examiner's rejection of claim 1 under 35 USC 102 (e) is respectfully requested.

Claims 2-5 stand rejected under 35 USC 103 (a) as being unpatentable over Wong and further in view of Crispin RFC 2060 IMAP v4rev1, 1996.

Examiner notes that Wong teaches e-mail messaging, citing column 5, lines and 35-40. However, the passage quoted by the Examiner in Wong merely suggests the desirability of utilizing e-mail to send documents as an alternative to downloading from a Website. As discussed further in column 6, lines 5-26, the system of Wong sends the user an electronic mail notification and/or updates via e-mail in response to availability of new versions of documents, based on analysis of document timestamps, as discussed above.

Wong is not concerned whatsoever with synchronization (i.e. updating) of e-mails between a mail server and mobile communication device. According to the present invention, mailbox pooling pre-emptive criteria are used to determine whether there has been no change in the server mailbox (i.e. there are no new e-mails), in which case there is no need to perform any update. More particularly, as recited in applicant's amended claims, the number of messages or size of the mailbox may be used as pre-emptive criteria to regulate synchronizing or updating of e-mails between the mail server and mobile communication device.

Examiner notes that Crispin teaches the provision of certain parameters for the Internet Message Access Protocol (IMAP), such as recently arrived messages, number of messages in a mailbox and mailbox size. However, as with Wong, Crispin is silent on applicant's problem of "updating e-mails between at least one mail server and a mobile communication device or mobile mailbox of such device", that is, synchronization of a mobile device mailbox and the server mailbox.

Although, as noted by the Examiner, the "synchronization" function of Microsoft Outlook can be used to perform synchronization between a mobile device and PC to which the mobile device is connected (usually via a cradle), there is absolutely no teaching or suggestion of using pre-emptive criteria to control the updating of e-mails between a mail server and mobile communication device, as recited in independent claims 1 and 5. Rather, when the "synchronization" function is invoked within Microsoft Outlook, a full synchronization takes place regardless of the "number of messages in said mailbox and size of said mailbox" as recited in applicant's claims.

By updating e-mails between the mail server and mobile communication device only when "said current pre-emptive criteria do not equal said previously stored pre-emptive criteria", unnecessary updating (synchronizing) between the mail server and mobile device is completely avoided. As discussed in applicant's specification, a consequence of applicant's system is that the user perceives better performance in the sense that e-mail messages seem to arrive more quickly at the mobile device.

For the foregoing reasons, retraction of Examiner's rejection of claims 2-5 under 35 USC 103(a) is respectfully requested.


New claims 6-10 are dependent on either independent claim 1 or independent claim 5 and are, for the reasons discussed above, believed to be drawn to allowable subject matter.

Applicant believes that this application is now in condition for allowance. To the extent that any issues remain to be resolved, however, applicant requests that the Examiner contacted the undersigned to resolve these issues.

Applicant encloses a copy of a Revocation of Power of Attorney with new Power of Attorney form which was submitted by facsimile to the United States Patent and Trademark Office on September 2, 2005.

Respectfully submitted,
PERRY + PARTNERS

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